IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

WP(C).No. 33267 of 2006(I)

PETITIONER:

ALEX C., S/O.CHELLAN NADAR,
KUZHIVILA PUTHEN VEEDU,
MURIYANKARA, PARASSALA P.O.,
NEYYATTINKARA.

BY ADV. SRI.G.SUDHEER.

RESPONDENTS:

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1. **STATE OF KERALA,**
   REP. BY THE SECRETARY (TAXES),
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. **COMMISSIONER OF EXCISE,**
   KERALA STATE,
   THIRUVANANTHAPURAM.

3. **ASSISTANT COMMISSIONER OF EXCISE,**
   EXCISE DEPARTMENT, FORT P.O.,
   THIRUVANANTHAPURAM.

4. **SAJI, S/O.SREEKUMARAN,**
   SREEJU BHAVAN, ANADU DESOM,
   ANADU VILLAGE, NEDUMANGADU TALUK,
   THIRUVANANTHAPURAM.

W.P.(C). NO.33267/2006:

5. SAJEEV, S/O.SASI,
THAKIDAVILAKATHU VEEDU,
OTTASEKHARAMANGALAM, KEEZHAROOR P.O.,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.C.C.THOMAS,
GOVT. PLEADER SRI. ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.33267/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE LICENCE DTD. 13/07/2004 ISSUED BY THE R.3.

EXT.P.2: COPY OF THE LICENCE DTD. 02/07/2004 ISSUED BY THE R.3.

EXT.P.3: COPY OF THE INTIMATION DTD. 26/03/2005 SENT TO THE EXCISE CIRCLE INSPECTOR.

EXT.P.4: COPY OF THE FIR DTD. 28/03/2005 REGISTERED BY CHIRAYINKEEZHU.P.S.

EXT.P.5: COPY OF THE PETITION DTD. 09/04/2005 BEFORE THE DEPUTY SUPERINTENDENT OF POLICE, ATTINGAL.

EXT.P.6: COPY OF THE APPLICATION DTD. 08/04/2005 SENT TO THE R.3. BY POST ON 11/04/2005.

EXT.P.7: COPY OF THE APPLICATION DTD. 08/04/2005 SENT TO THE R.3. BY POST ON 11/04/2005.

EXT.P.8: COPY OF THE JUDGMENT DTD. 23/08/2006 IN W.P.(C). NO. 12801/2005-Y.

EXT.P.9: COPY OF THE CHARGE SHEET DTD. 28/03/2005 SUBMITTED BY THE S.I. OF CHIRAYINKEEZH.

EXT.P.10: COPY OF THE APPLICATION DTD. 16/10/2006 SUBMITTED BY THE PETITIONER BEFORE THE R.2.

EXT.P.11: COPY OF THE ORDER NO. XA7-11261/05 DTD. 28/12/06 ISSUED BY THE COMMISSIONER OF EXCISE TO THE PETITIONER.

//TRUE COPY//

prv.

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.33267 of 2006

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Dated this the 1st day of March, 2007.

JUDGMENT

The licence of the petitioner for toddy shop was not renewed on account of his being involved in an abkari offence. He is now exonerated of the charges levelled against him. Under such circumstances, under the existing policy of the Government, which is likely to run till the end of the current abkari year, the petitioner will be entitled to renewal. If that be so, the competent among the respondents will consider the claim of the petitioner in that regard. However, in doing so, it shall be ensured that no other person's licence shall be disturbed. It will be open to the Government in the realm of its policy making process to consider any persons wrongly implicated in criminal cases under the Abkari laws.

Writ Petition is disposed of in the above terms.

Thottathil B.Radhakrishnan,
Judge.

sl.